

ENVIRONMENT, PLANNING and AGRICULTURE COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Environment, Planning and Agriculture Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on **June 23, 2005**.

MEMBERS PRESENT:

Leg. Daniel P. Losquadro, Chairman
Leg. Jay H. Schneiderman, Vice•Chairman
Leg. Allan Binder
Leg. David Bishop
Leg. Vivian Vilorio•Fisher
Leg. John M. Kennedy, Jr.

ALSO IN ATTENDANCE:

Mea Knapp, Counsel to the Legislature
Alexandra Sullivan, Chief Deputy Clerk
Ben Zwirn, Assistant Deputy County Executive
Lauretta Fischer, Department of Planning
Jim Bagg, Chief Environmental Analyst/Department of Planning
Patricia Zielinski, Department of Real Estate
Kevin LaValle, Aide to Leg. Losquadro
Maria Ammirati, Aide to Leg. O'Leary
DeWitt Davis, Department of Planning
Vito Minei, Department of Water Quality, Health Department

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

(THE MEETING WAS CALLED TO ORDER AT 1:40 PM)

CHAIRMAN LOSQUADRO:

I call the meeting of Environment, Planning and Agriculture to order. I ask that you please rise for the Pledge of Allegiance led by Legislator aide, Kevin LaValle.

(SALUTATION)

CHAIRMAN LOSQUADRO:

I like to catch people off guard a little bit.

MS. SULLIVAN:

We have no cards.

CHAIRMAN LOSQUADRO:

Thank you, Madam Clerk. Good afternoon. There are no cards. We'll go straight to the agenda to Tabled •• wait for the music to stop •• straight to Tabled Resolutions.

TABLED RESOLUTIONS

CHAIRMAN LOSQUADRO:

IR 1006, establishing automobile and credit card policy for the Board of the Suffolk County Water Authority. I have a request from the sponsor to again table. I'll make that motion, seconded by Legislator Kennedy. All those in favor? Opposed? **1006 is tabled.**

(Vote: 6•0)

1078, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program. This is the Robbins property. If you could just refresh our memory on this, please.

MS. FISCHER:

This is a property ••

CHAIRMAN LOSQUADRO:

Use the microphone, please. Top switch.

MS. FISCHER:

This was a property along Portion Road in Ronkonkoma. The sponsor had indicated that they wanted to •• this is a planning steps for SOS monies for hamlet parks. There's a building on the property. We have also gotten information that DPW might •• is reviewing the property for possible road expansion and/or recharge basin use of the property as well. So, we've been asked to table it, if possible.

CHAIRMAN LOSQUADRO:

Legislator Lindsay, thank you for joining us. Would you say like to comment on this?

LEG. LINDSAY:

Yeah. I'd like to keep it tabled because it isn't ready to move yet. DPW wants to acquire a portion of the property that they need for the road expansion. If we were to acquire it before they got their chance and it's declared parkland, it would complicate their road expansion process.

CHAIRMAN LOSQUADRO:

Very well. Motion to table by myself, seconded by Legislator Bishop.

LEG. LINDSAY:

Maybe we could keep it in that state until I hear from DPW on when to proceed.

CHAIRMAN LOSQUADRO:

Fine with me. All those in favor. Opposed? **1078 is tabled. (Vote: 6•0)**

1081, authorizing planning steps for acquisition under Suffolk County Multi•faceted Land Preservation Program. This is the North Fork Preserve property; the farmland component. Again, I understand that we have been waiting on this for sometime. Has there been movement?

MS. FISCHER:

The Farmland Committee does not recommend this as an acquisition for TDR and ••

CHAIRMAN LOSQUADRO:

I understand that there have been •• there have been some problems as far as a bit of a Hatfield and McCoy issue between the owners of this property. In speaking with the sponsor and in speaking with people in the district, I'm going to make a recommendation to approve this and move forward with the planning steps at this point with the understanding that we may not even have a favorable response to our letter of intent; but I would at least like to make the overture to see if we can facilitate moving this process along. So, I'm going to make a motion to approve, second by Legislator Binder. All those in favor? Opposed? **1081 is approved. (Vote: 6•0)**

1109, Charter Law adopting the extension of the Smart Government Plan for environmental protection (for County Taxpayer Protection and for Sewer Tax Stabilization) This is the extension of the Quarter Percent Drinking Water Protection Program. The sponsor, again, has requested a tabling motion. I'll make that motion, seconded by Legislator Binder. All those in favor? Opposed? **1109 is tabled. (Vote: 6•0)**

1186, authorizing acquisition under Suffolk County Multi•faceted Land Preservation Program, Elwood Greenlawn Woods property, Town of Huntington. I understand this bill has been amended to reflect the accurate figures.

LEG. BINDER:

Right, the price. They've reached an agreement. And it's ready to go. So, we're waiting for it for awhile and this should go forward.

CHAIRMAN LOSQUADRO:

Motion to approve by Legislator Binder, seconded by Legislator Kennedy. All those in favor? Opposed? **1186 is approved. (Vote: 6•0)**

1195, authorizing planning steps for acquisition under Suffolk County SOS Farmland Preservation and Hamlet Parks Fund, Richter's Orchard property. Again, if you could update. Refresh our memory on this.

MS. FISCHER:

Yes. This property is in the Town of Huntington. It's a •• it received only a two point rating from the Farmland Committee. They did not recommend it. I have their review of the property if you'd like to see it.

CHAIRMAN LOSQUADRO:

I recall •• I recall the particulars of it.

LEG. BISHOP:

Before tabling it, I would like to get a copy it of.

CHAIRMAN LOSQUADRO:

I will make •• I will second that tabling motion. Motion to table by Legislator Bishop; seconded by myself.

LEG. BISHOP:

But I'll take the review.

CHAIRMAN LOSQUADRO:

If you could please distribute that review. Legislator Bishop.

LEG. BISHOP:

My concern previously was that, you know, it may have been not properly evaluated because it's in the west end. And the Committee, as it should be, east end oriented. And sometimes there are anomalies; like working farms in the west end that we would want to preserve. So, this is not going to tell me anything after all that.

CHAIRMAN LOSQUADRO:

All those in favor? Opposed? **1195 is tabled.** And hopefully we can get that information to make an accurate determination. **(Vote: 6•0)**

LEG. BISHOP:

Can I make a request, then that •• are you the liaison with the committee? The Farmland Committee?

MS. FISCHER:

Tom Isles is. I usually don't ••

LEG. BISHOP:

Could you ask Tom to ask them to provide him a more full explanation that he can bring to us?

MS. FISCHER:

Okay. I just want to make one comment that the relayed to me. But one of biggest ••

CHAIRMAN LOSQUADRO:

And that was who's on first.

MS. FISCHER:

What?

CHAIRMAN LOSQUADRO:

That was who's on first based on Legislator Bishop's last comment.

LEG. VILORIA•FISHER:

Yeah. Was that one of the big questions they raised was the value that •• of \$650,000 per acre. And that is far and above any of the other prices for farmland developments rights that we have recently used. And that was a big deterrent.

LEG. KENNEDY:

Mr. Chair, if I can just I add one piece of this as well.

CHAIRMAN LOSQUADRO:

Legislator Kennedy.

LEG. KENNEDY:

The value on this property, as a matter of fact, may be a little higher. But predicated on the fact that it is west end property, I also look at this fact that it's heavily wooded. This is a fruit orchard. This is an apple and pear and peach orchard. So by definition it's going to be treed. So, I'm curious ••

LEG. BINDER:

Definitely wooded.

LEG. KENNEDY:

Yeah, I'm curious to see •• the comment is that it's wooded.

MS. FISCHER:

Wooded in the sense that when we •• we review it, wooded is in a more natural state. If it's used for a nursery or orchard stock, it's determined as such. So, there is a difference between wooded as far as what we classify wooded as more like a forest vegetation type natural vegetation type as opposed to trees for pears and fruits, etcetera.

CHAIRMAN LOSQUADRO:

Do you remember your Earth Science, primary forest, second forest. Come on.

LEG. KENNEDY:

Thank you. A trip down memory lane, Dan. It's been a longtime. I guess I would then go back to the fact that west end property by definition usually reflects a higher based value as far as looking at pricing it. So, I hope the Committee is sensitive to that.

MS. FISCHER:

Yeah, we understand. Just so you have a relative appreciation for this, Detmer came in around 205,000 per acre. So, if we're only paying around 205,000 for Detmer ••

LEG. BISHOP:

Right.

MS. FISCHER:

There's a big difference.

LEG. BISHOP:

That is. So, maybe there's a problem with the appraisal, then.

MS. FISCHER:

Well, that's the price that they informally gave the Committee; the owners.

LEG. BISHOP:

I see. Is that how it works? You just go to the farmer and you say what do you want for it?

MS. FISCHER:

No, not necessarily. But they do •• that is one of their criteria that they look at. And if that information is available, you know, where ever we get it from, it's used. But it's not obviously appraised value.

CHAIRMAN LOSQUADRO:

Are you done, Legislator Bishop? Legislator Binder. But I would ask •• we've already called the vote on it. We have received a request from the Clerk's office to try to expedite this meeting today. So, I'd like to do so.

LEG. BINDER:

Because I think it goes to a question of how this is done, it would seem to me that it is not the providence of a farmland development rights acquisition review committee to be looking at the price. That's our concern. When it comes before us •• we do budgets, we make the decisions. If it's too expensive, we'll make a decision if it's expensive. I don't even think it's appropriate for it to be here. If you want to tell us as a committee that there's a question of all these other things, soil, agricultural, anything you want to look at that has to do with whether it's good farmland and proper farmland, that's great because that's the information we need.

But when it comes to numbers and when it comes to price, I have to tell you I'm offended by

this being on here because it's not a question for them to look at. It's a question for legislators to make a decision. We are the stewards of the people's money. We have the fiduciary responsibility. And I would hope that you're not going to look at price anywhere. You say that's normally what you look at. You shouldn't. As far as I'm concerned, you shouldn't look at that.

MS. FISCHER:

Yeah, we don't •• with regard to the open space acquisitions ••

LEG. BINDER:

But I would think on this it should matter. That's just my opinion.

LEG. VILORIA • FISHER:

It's just their historic evaluation. And I will take that back.

LEG. BINDER:

That's a question we should look at.

CHAIRMAN LOSQUADRO:

Thank you. Legislator Bishop, do you have another comment on this?

LEG. BISHOP:

Somebody's going to come from either the committee or Tom's going to have more information next time?

MS. FISCHER:

Yes.

CHAIRMAN LOSQUADRO:

Thank you.

The vote was called on that. It was tabled. **(1195 tabled. Vote: 6•0)**

1284, approving acquisition under Suffolk County Multi•faceted Land Preservation Program. This is for the Third Creek Woods property. Counsel, this has been amended to reflect the current price; is that correct?

MS. LONGO:

No, this 1284 I have •• is the same. And it is flawed. This one hasn't been amended, 1284?

MS. FISCHER:

No, no. You're in negotiations; right?

MS. LONGO

Right. And we haven't received a signed contract back from them either.

LEG. BINDER:

Oh, you don't have a signed contract yet. That's why. There's no contract.

CHAIRMAN LOSQUADRO:

Okay. Very well. I will make a motion to table; seconded by Legislator Binder. All those in favor? Opposed? **1284 is tabled. (Vote: 6•0)**

1298, authorizing planning steps for ••

LEG. SCHNEIDERMAN:

Before we do that?

CHAIRMAN LOSQUADRO:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

For the record, could you log my vote with the majority on the earlier ones as well?

CHAIRMAN LOSQUADRO:

1298, authorizing planning steps for acquisition under SOS Farmland Preservation and Hamlet Parks Fund. This is the Coffey property, Town of Smithtown.

LEG. KENNEDY:

Mr. Chair.

CHAIRMAN LOSQUADRO:

Legislator Kennedy.

LEG. KENNEDY:

I make a motion to table. I've asked the Town of Smithtown Environmental Bureau to go ahead and do some investigatory work on it. I'm waiting for them to call me.

CHAIRMAN LOSQUADRO:

Motion to table by Legislator Kennedy, seconded by Legislator Binder. All those in favor? Opposed? **1298 is tabled. (Vote: 6•0)**

1332, authorizing planning steps for acquisition under SOS Farmland Preservation and Hamlet Parks for Dosiak Farms. This is actually •• this is for acquisition, not for planning steps; is that correct?

MS. FISCHER:

Correct. Actually it's written correct ••

CHAIRMAN LOSQUADRO:

It was amended on 6/9. This is •• I read the incorrect title. The title is authorizing the acquisition of farmland development rights under the SOS program for the •• could you scroll back up?

MS. KNAPP:

Sure.

CHAIRMAN LOSQUADRO:

Sorry. I just want to read the whole title. Under SOS Farmland Preservation and Hamlet Parks Fund for Dosiak Farms, Town of Brookhaven.

MS. FISCHER:

Right.

CHAIRMAN LOSQUADRO:

So this resolution has been amended. And I am not going to belabor the point that I made at the last committee meeting, which is we can help this process go a lot smoother if there is some dialogue between the executive branch and the legislative branch so we do not have competing resolutions. And those who •• whatever political persuasion that they may come from, those who put the work and time into researching these and putting them before this body are involved in the process of acquiring them. We can make this go a lot smoother and we will not continue to have these discussions that seem to go on forever. So, this is •• this was amended to reflect the ••

MS. LONGO

No, this isn't.

CHAIRMAN LOSQUADRO:

Now you're saying no.

MS. LONGO

And it's incorrect acreage, incorrect money.

CHAIRMAN LOSQUADRO:

Do you have the 6/9 version?

MS. FISCHER:

Yes. Under IR 1622, that was before the full Legislature and tabled to your next meeting on June 28th.

CHAIRMAN LOSQUADRO:

This is the identical bill to that bill; is that correct?

MS. FISCHER:

Not identical.

LEG. BINDER:

What's the difference?

CHAIRMAN LOSQUADRO:

What is the difference between the two?

MS. LONGO

The acreage and money.

LEG. BISHOP:

So, it's not your quarrel point; it's something substantive. So, why don't we ••

CHAIRMAN LOSQUADRO:

What is the acreage on 1622, then?

MS. LONGO

24.70.

CHAIRMAN LOSQUADRO:

Excuse me?

MS. LONGO

24.70 acres. There's 1506, 700.

CHAIRMAN LOSQUADRO:

Excuse me.

MS. LONGO

The total amount is also incorrect.

CHAIRMAN LOSQUADRO:

What is the •• what is the contract price?

MS. LONGO:

Per acre?

CHAIRMAN LOSQUADRO:

Yes.

MS. LONGO:

61,000.

CHAIRMAN LOSQUADRO:

That's what it says on this bill. But this says for plus or minus 24.3 acres. And you're saying the other bill is 24.7 acres?

MS. LONGO:

Uh•huh. We're also doing a partnership with the Town of Brookhaven.

LEG. BISHOP:

Does this not have a partnership with the town?

CHAIRMAN LOSQUADRO:

Is that a 70/30 split?

MS. LONGO

Yes.

CHAIRMAN LOSQUADRO:

That is •• that is included in this. And it says subject to an accurate survey. So, I see these bills as being substantively identical; is that correct?

MS. FISCHER:

I don't have the amended 6/9 copy. So, I'm sorry to say I can't compare them. I only have the original one that was laid on the table.

LEG. BISHOP:

All right. Why don't we discharge it without recommendation? And then we'll have both on the floor. And we can ••

CHAIRMAN LOSQUADRO:

Motion to discharge without recommendation by Legislator Bishop.

LEG. BINDER:

Second.

CHAIRMAN LOSQUADRO:

Seconded by Legislator Binder. All those in favor? Opposed? **1332 is discharged without recommendation. (Vote: 6•0)** And, again, this is time we do not need to waste. This is time poorly spent. I suggest we succeed in improving the level of dialogue instead of just giving it lip service.

1345, authorizing planning steps for acquisition under SOS Farmland Preservation and Hamlet Parks Fund Long Island Beagle Club property. Again, getting a little more information on this one. To my understanding there is now some interested parties in farming this parcel.

MS. FISCHER:

Yes. There was an indication to our department that that is true. However, part of the recommendations from the Farmland Committee •• it has to be farmed within the past two years. And that would not necessarily be true for this property. So, we're still in a non •recommended position from the Farmland Committee.

CHAIRMAN LOSQUADRO:

I for one am willing to overlook that technicality being that it was not used for agricultural farming in the past two years. If we have a piece of property that was used for other uses that there is now an interest in using for an agricultural purpose, I would certainly like to give it its day in the sun and see if there's an interested seller and see if we can move to preserve this parcel under farmland developments rights; because as we've discussed this in several

committees before, I'm quite familiar with the area. And it is under very high development pressure. There are several high density communities immediately surrounding it. So, I'm going to make a motion to approve, seconded by Legislator Schneiderman. All those in favor? Opposed?

LEG. VILORIA•FISHER:

Opposed.

CHAIRMAN LOSQUADRO:

Opposed Legislator Viloría•Fisher. **1345 is approved. (Vote: 5•1•0•0. Legislator Viloría•Fisher opposed.)**

1419, reorganizing and strengthening the Nassau•Suffolk Regional Planning Board (and renaming the board "The Long Island Regional Planning Council") This was my bill that I had in there just in case we didn't get a CN over. It came over. Nassau filed theirs. It went to their committee, but until they approve theirs, I'm just going to make a motion table subject to call.

LEG. VILORIA•FISHER:

Second.

CHAIRMAN LOSQUADRO:

Second by Legislator Viloría•Fisher. All those in favor? Opposed? **1419 is tabled subject to call. (Vote: 6•0)**

1467, authorizing planning steps for acquisition under SOS Farmland Preservation and Hamlet Parks Fund. This is Mouallem property, Town of Islip, 2.48 acres. Again, if you could refresh our memory on this.

MS. FISCHER:

Would you •• I'll defer to the Legislator if he wishes.

CHAIRMAN LOSQUADRO:

Legislator Lindsay, sponsor, can you comment on this?

LEG. LINDSAY:

Yeah. It's a small parcel. I think it's a little more than two acres. It's in the middle of a downtown area. It's in the hamlet of Bayport. And the vision is to try and create a community park in the town.

MS. FISCHER:

If I may ask, did you get any kind of confirmation from the Town of Islip that they would like to be a partner? We haven't heard back from them.

LEG. LINDSAY:

No, I haven't.

MS. FISCHER:

Okay.

CHAIRMAN LOSQUADRO:

If I •• Legislator Lindsay.

LEG. LINDSAY:

No, I'd like to try and move it and see what •• force the town ••

LEG. BISHOP:

It's planning steps; right?

CHAIRMAN LOSQUADRO:

Motion to approve by Legislator Bishop, seconded by myself. All those in favor?

LEG. SCHNEIDERMAN:

On the motion.

CHAIRMAN LOSQUADRO:

On the motion, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I can't tell you how many times I hear that phrase, it's just planning steps. Because what happens from here is that it goes onto the Division of Real Estate, they send out letters, they do the appraisals, it comes to ERTB. ERTB's only role •• ETRB •• thank you. ETRB •• it sounds like a rock group, doesn't it? Their only role is to decide whether the price based on the appraisal is the right price. And that's it. And then it goes to contract. And we really don't get it until it's already kind of a non•binding contract with the property owner. So, I think we have to start looking at these planning steps a little bit more carefully because, you know, the next time we see them is often after the press conference that the County's buying it. So, I •• it's kind of a generic comment but ••

CHAIRMAN LOSQUADRO:

Legislator Lindsay.

LEG. LINDSAY:

First of all, I don't think we do an appraisal unless there's some interest shown by the owners; am I correct about that?

MS. LONGO:

That's correct.

CHAIRMAN LOSQUADRO:

There has to be a willing seller, yes.

LEG. LINDSAY:

With this particular one, we need a partner with the town. And is this •• this is coming out of what? Is it the 12 ••

MS. FISCHER:

SOS Hamlet Parks.

LEG. LINDSAY:

So, it isn't coming out of the dedicated Islip money?

MS. FISCHER:

No.

LEG. LINDSAY:

That fund is depleted?

MS. FISCHER:

The 12•5 E money?

LEG. LINDSAY:

Yeah.

MS. FISCHER:

Well, the 12•5 E, I'm not sure. I don't think it's completely gone for Islip. We can look into it, let you know.

LEG. LINDSAY:

Because that might be another way that that money has been laying there because we haven't made that many purchases in Islip.

MS. FISCHER:

Exactly.

MS. LONGO

We've been doing some. We've got some contracts.

LEG. LINDSAY:

Yeah, I know they're some in the pipeline. But, again, I ask that it be •• the planning steps be approved and see if it does go to the next level. And you'll have a chance to review it again at the ••

CHAIRMAN LOSQUADRO:

Legislator Schneiderman, I believe, has a comment.

LEG. SCHNEIDERMAN:

I could support it if I new that the Town of Islip was footing at least half the bill for this, but it doesn't say so in the resolution. So, I'm going to make a motion to table it. Bring it back to us is my recommendation with that 50% match in the actual resolution.

LEG. BINDER:

I'll second the table.

CHAIRMAN LOSQUADRO:

Well, we have a motion to table by Legislator Schneiderman, second by Legislator Schneiderman. On the motion Legislator Bishop.

LEG. BISHOP:

On the motion. I'll just defer to the sponsor or ask the sponsor a question. Is it your intention to have Islip fund half of this? Is it 30%? Is there some formula that we're looking towards? And what is the basis of that decision?

CHAIRMAN LOSQUADRO:

Legislator Lindsay.

LEG. LINDSAY:

My intention is that that the communities wish to make this property a hamlet park happen.

LEG. BISHOP:

Right.

LEG. LINDSAY:

And Islip has not been too willing to come forward and partner with us on land acquisition. If we showed a definite interest and moved this forward, they would have to make a decision, yes or no on it. And if they chose not to, under the present wording of the resolution, it wouldn't work. And maybe we'd have to explore to see where the other fund is in terms of the Islip money.

CHAIRMAN LOSQUADRO:

If I may.

LEG. LINDSAY:

Yes.

CHAIRMAN LOSQUADRO:

I would just like to point to the example of the community park in Mount Sinai known as The Wedge. The County bought the property but with the understanding that the town was going to develop it. I, too, would like to see at least some commitment from the town because I do not think you should have just a •• have a small county pocket park without a commitment. At least a commitment from the town to maintain it, let alone build it out codified in the resolution. If you would be willing to try to get some sort of agreement out of them, just something, to say that they'll partner with us on this, I would be more willing to support it.

LEG. BISHOP:

On the motion.

CHAIRMAN LOSQUADRO:

Legislator Bishop.

LEG. BISHOP:

I think that you're putting •• you're giving the town the political upper hand, then.

CHAIRMAN LOSQUADRO:

This is a park.

LEG. SCHNEIDERMAN:

It's a parking lot with our money. It's a neighborhood park.

LEG. BISHOP:

It's a neighborhood park. We have a fund specifically to create these type of parks, right? We have SOS funds that was created specifically and approved by the voters to establish these very type of parks, these pocket parks in downtown areas.

Legislator Lindsay's community wants to see that happen in their community. The seller is willing to sell to the County. What he wants and what the Legislators wants is a partnership

with the Town of Islip. The Town of Islip is not going to do that willingly like a lot of governments. A lot of times they have to be dragged into it by community pressure. And one way we can create that framework where it can occur so that we can all be happy is if we move the bill forward to planning steps. It doesn't commit the County to buy it, but it definitely ratchets up the pressure. This is something Legislator Binder would understand because I see it happening all in the time in the Town of Huntington with the relationship with the County. We're constantly doing the planning steps to try to drag in Huntington. And it seems to have great success. And now Legislator Lindsay would like to use that formula in the Town in the Islip. So, I think, you know, it's fairly non•controversial. It's just a pocket park in a community that wants it so ••

CHAIRMAN LOSQUADRO:

I understand your point. And I very well understand the point of creating that dedicated fund. And in my opinion that fund is there in part to ••

LEG. LINDSAY:

No. I think you struck a real note. If I may ••

CHAIRMAN LOSQUADRO:

•• to be able to best leverage our assets. And if we can pay for the underlying land and then partner with other municipalities to then either develop or have us even take part in developing it as much as we did through the Greenways Program; and then have them maintain it or have a public private partnership with a community agency to maintain it, so much for the better. But in the past historically we have had that understanding in place before we have moved forward with the process. And I think that's what we should do here.

LEG. BISHOP:

I think if I'm not mistaken, if you had spoke to Legislator Binder, you would find a different history. I can't think of the specific properties, but I know in the Town of Huntington we're always ••

LEG. LINDSAY:

And that's what I wanted to say. I'm just copying my hero Legislator Binder. I want to be just like him. And that's what we're trying to do here.

LEG. BISHOP:

All right. You guys are not going to do it today?

CHAIRMAN LOSQUADRO:

With the burden placed upon Real Estate with planning steps, I would like to see •• and please, Legislator Lindsay, I'd be happy to speak to the representatives from the town and let them know that there would be a willingness to commit to this; that it would not simply be, you know, asking them in absence of a, you know, commitment to act on this. But I would like to see that in the language of the bill. So, there was a motion and a second to table. All those in favor? Opposed?

LEG. BISHOP:

Opposed.

CHAIRMAN LOSQUADRO:

Opposed Legislator Bishop.

LEG. VILORIA•FISHER:

Opposed.

CHAIRMAN LOSQUADRO:

Opposed Legislator Vilorina•Fisher. Legislator Schneiderman is here.

Motion is tabled. **(Vote: 4•2•0•0. Legislators Bishop and Vilorina•Fisher opposed)**

1571, authorizing the acquisition of Westmoreland Farm, Inc., Town of Shelter

Island. Oh, I'm sorry, before we call 1571, I'm going to make a motion on IR 1332 to bring that back before us. We happened to look at the County Executive's bill. The acreage is exactly the same. The dollar amounts are exactly the same. It's not point seven. It is point three. They're identical bills. There is no difference between the two. I'm going to make a motion to bring that back before us and I'm going to make a motion to approve it.

LEG. BINDER:

Second.

CHAIRMAN LOSQUADRO:

Motion by myself, second by Legislator Binder. All those in favor? Opposed? **1332 is before us. (Authorizing planning steps for acquisition under Suffolk County Save Open Space Farmland Preservation and Hamlet Parks Fund for Dosiak Farms, Town of Brookhaven)** Motion to approve by myself, second by Legislator Binder. All those in favor? Opposed? 1332 is approved. And I will not beat the dead horse on that. We've already discussed it.

1571, again, authorizing the acquisition of Westmoreland Farm, Inc., Town of Shelter Island. This is the acquisition of 43.7 acres of land. It's a 50/50 county/town split. And Counsel, this has been updated as well?

MS. LONGO

We are still in negotiation. We don't •• we don't even have a contract request up for that.

LEG. BINDER:

Motion to table.

CHAIRMAN LOSQUADRO:

Okay. Motion to table by Legislator Binder, second by Legislator Schneiderman. All those in favor? Opposed? **1571 is tabled. (Vote: 6•0)**

1617, approving Master List II and Planning Steps for Environmentally Sensitive Land, Farmland and Recreationally Important Land Acquisitions. I have this here. I have a number of questions. The first of which is, we had made a request sometime ago during the first master list that hamlet names be included in these parcels. Not just a property name and a tax map number. We heard a couple of different responses as to why this was difficult to accomplish, but I think it's something that Planning and Real Estate should be able to accomplish to put a hamlet name attached to each property title so that when reviewing a document of this size and of this complexity, we can better determine where these properties are located. So, if we could please add that ••

LEG. BINDER:

If they give us a new list •• I'd like a new list. I'll make a motion to table, but I would like a list, too.

CHAIRMAN LOSQUADRO:

And we have lists •• copies of this were passed out. If you do not have a copy, we'll make sure you're furnished with one. There's a motion to table by Legislator Binder, seconded by myself. All those in favor? Opposed?

LEG. SCHNEIDERMAN:

I was going to say on the motion.

CHAIRMAN LOSQUADRO:

On the motion, Legislator Schneiderman, your comment.

LEG. SCHNEIDERMAN:

One thing for Real Estate. And without going into executive session, there is one particular property that is on this list that the owner intends to donate at some point. And it could create a complication for us if we •• at least this is what I've been told •• the owner intends to donate. And it could create a potential complication if the County goes out to try to acquire it at this point and pay for something that we'll get without having to pay.

MS. LONGO:

Well, we would just send interest letters. And if his intention is to donate it, he would respond on the interest letters that he intends to donate it.

LEG. SCHNEIDERMAN:

Okay. I'm not sure it needs to be on a list if that's the case.

MS. LONGO:

You want to e•mail me and tell me which property and we'll take •• we'll discuss ••

LEG. SCHNEIDERMAN:

I will, but not on the record.

MS. FISCHER:

Well, if you could let us know property that is, we'll look into it and let you know what we ••

CHAIRMAN LOSQUADRO:

More appropriate for an executive session style discussion or private discussion.

LEG. SCHNEIDERMAN:

Okay. So, there's a motion and a second to table.

CHAIRMAN LOSQUADRO:

There's a motion and a second to table. All those in favor? Opposed? **1617 is tabled.**

(Vote: 6•0)

1626, authorizing the acquisition of land under the first 1/4% Suffolk County Drinking Water Protection Program, Town of Islip. This is the Pines property. If you could again refresh our memory on this.

MS. FISCHER:

This is a small piece of property in the Town of Islip. It was to be acquired under the 12•5 E Drinking Water Program. However, we did present this to Parks Trustees as they are to actually make the decision to actually acquire or not acquire this parcel. And they have not approved it. And it was tabled also at CEQ due to that.

LEG. BINDER:

Motion to table.

CHAIRMAN LOSQUADRO:

Very well. Motion to table by myself, second by Legislator Binder. All those in favor? Oppose?

1626 is tabled. (Vote: 6•0)

1629, appointing member to the Council on Environmental Quality.

LEG. VILORIA•FISHER:

Motion to approve.

CHAIRMAN LOSQUADRO:

Is Ms. Spencer here today?

LEG. VILORIA • FISHER:

She is here today.

CHAIRMAN LOSQUADRO:

Could she please come forward?

MS. SPENCER:

Good afternoon.

CHAIRMAN LOSQUADRO:

Good afternoon.

MS. SPENCER:

Can you hear me?

CHAIRMAN LOSQUADRO:

Thank you. Just bear with me for just a second here. It looks a little full today. This is to appoint on CEQ to replace the term of office that expired for John Finkenberg. Ms. Spencer ••

MS. SPENCER:

Yes. I can speak loudly.

CHAIRMAN LOSQUADRO:

I apologize. Are we done over there? Ms. Spencer.

MS. SPENCER:

Yes.

LEG. VILORIA • FISHER:

Mary Ann, you are going to need the mike.

MS. SPENCER:

I am going to need it?

CHAIRMAN LOSQUADRO:

Yeah, just get a little closer.

MS. SPENCER:

Like that?

CHAIRMAN LOSQUADRO:

Yes. There you go. That's better.

MS. SPENCER:

Like this? Can you hear me now?

CHAIRMAN LOSQUADRO:

Yes. I see your resume is quite impressive in terms of historical preservation.

MS. SPENCER:

Thank you.

CHAIRMAN LOSQUADRO:

But if you could please enlighten us on additional environmental credentials being that this is the CEQ, the Council on Environmental Quality. I have received •• as Chairman of this Committee, I have received a number of concerns from members of the body as a whole that your background in historical preservation while very impressive may not be best suited for the Council on Environmental Quality.

MS. SPENCER:

It's my understanding that the CEQ is the arm of the Suffolk County Historic Trust which I serve on. And while that particular body is not an environmental body, when I was part of the Town of Brookhaven, if you look back early in my resume, I worked hand in hand with the Department of Environmental Conservation on SEQRA. And through those years I became •• bear in mind the Historic Preservation is always included in environment in the Town of Brookhaven. And the SEQRA reviews came through both of us. And that's •• so for those

years I did have experience with environmental matters.

CHAIRMAN LOSQUADRO:

Legislator Binder, do you have a question? Yes, Legislator Vilorio•Fisher.

LEG. VILORIA•FISHER:

Having served as Chair of Parks for a number of years, I had also been a member of CEQ. And the questions of historical buildings in Suffolk County and historical preservation and historical significance are a very important element of the deliberations in CEQ. And Ms. Spencer's experiences with SEQRA at the town level are certainly very credible and significant in what she can offer as a member of CEQ. She has •• her name has also come up with several of the members of CEQ who believe that she would be a very important addition to their body. She's certainly very well known within the community. Her credentials are impeccable. Her enthusiasm is very note worthy. And I would be •• I'm very proud to place her name here in nomination. Thank you.

CHAIRMAN LOSQUADRO:

Thank you. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I'm just curious as to how many openings there are on CEQ. Does anybody know?

CHAIRMAN LOSQUADRO:

At the moment two? Counsel, two; possibly three?

LEG. SCHNEIDERMAN:

Well, we can wait and look that up.

MS. KNAPP:

I can get that information for you.

LEG. SCHNEIDERMAN:

Okay. And are any of these appointments specific either regionally positions, County Executive, Presiding Officer or is it all just straight legislative appointments?

CHAIRMAN LOSQUADRO:

Counsel.

MS. KNAPP:

CEQ are Legislative appointments.

LEG. SCHNEIDERMAN:

And how many members?

MS. KNAPP:

Jim, help me out. How many are there supposed to be? Nine?

MR. BAGG:

Nine.

MS. KNAPP:

Did you say nine?

LEG. VILORIA • FISHER:

Yes, he said nine.

CHAIRMAN LOSQUADRO:

Being that these are at large type appointments for the entire legislative body, I know that there are other members. And I said this at the last committee that just because someone gets a name in first doesn't necessarily mean that that person is best qualified. It's nothing against •• Ma'am I hate to have this conversation take place in absence of you. I don't want you to feel excluded from it. And it is certainly in no way reflective on the applicant's credentials. But there is a feeling that perhaps this applicant's background, that there may be others who have a background that perhaps is even more impressive than this one.

LEG. VILORIA • FISHER:

Well, there are, I believe ••

CHAIRMAN LOSQUADRO:

Legislator Vilorio • Fisher.

LEG. VILORIO • FISHER:

Perhaps we should wait until Counsel tell us how many openings are going to be coming up.

CHAIRMAN LOSQUADRO:

I believe three.

LEG. VILORIO • FISHER:

But I put Ms. Spencer's name in because she is someone who is •• who has been very professional throughout her career, is very knowledgeable and will be a tremendous asset. I wasn't racing anyone to the finish line on this. I did cede to the Chair when he asked me to table this last month. I didn't push because I believe that Ms. Spencer's qualifications speak for themselves. This isn't about any kind of race to the finish line or partisan, putting someone in from a particular party. It's none of those things. Her name has been placed only because of her credentials and because what she will bring to this body. It's an advisory body. We need people on it who have had experience with SEQRA, people who know the importance of historical buildings and historical backgrounds of various areas. Ms. Spencer has all of this. It would be a tremendous loss to the County to allow people with this type of background, with this type of resume to slip through our fingers because we're •• I don't know what's going on. But whatever it is, it doesn't have anything to do with her qualifications.

CHAIRMAN LOSQUADRO:

Counsel.

MS. KNAPP:

It looks as though, if this is up to date, we have five expired. One seems to be expired March of 2004. And four March of 2005. Does that sound right?

MR. BAGG:

(Shaking head yes)

LEG. BISHOP:

So, those aren't vacancies.

MS. KNAPP:

No, I don't think any of them are vacancies. Has anybody physically dropped out, Jim?

MR. BAGG:

Yes. Nancy Manfredenia resigned. She submitted her resignation.

LEG. BISHOP:

Okay. Mr. Finkenberg didn't resign; right?

MR. BAGG:

No.

LEG. BISHOP:

Okay. I got to make a motion to table.

LEG. VILORIA • FISHER:

I'm sorry, could Mr. Bagg come up it because it was my understanding Mr. Finkenberg had resigned. I need to ask that question.

CHAIRMAN LOSQUADRO:

Mr. Bagg, could you please come forward?

LEG. VILORIA • FISHER:

Because he has served well. I certainly don't want to ••

CHAIRMAN LOSQUADRO:

The question is Mr. Finkenberg, then, has not formally resigned? There's only one member who has tended a formal resignation?

MR. BAGG:

That's correct. Nancy Manfredonia tended her resignation. The other terms have expired.

LEG. VILORIA • FISHER:

And Jack Finkenberg hasn't made any kind of ••

MR. BAGG:

No, he's not •• no.

LEG. VILORIA • FISHER:

He hasn't resigned? He's actively serving? I was made to believe that he was leaving his post. I don't want to push Jack out.

MR. BAGG:

No, that's not correct. He's not indicated that he's actively leaving.

LEG. VILORIA • FISHER:

Okay. I'm going to make a motion to table, Mr. Chair.

CHAIRMAN LOSQUADRO:

All right. Then we have another one before us today as well that is a similar situation, that a resignation has not been tendered. So, we'll be tabling both of these, then, today.

LEG. VILORIA • FISHER:

Mary Ann, I'm sorry that I was misinformed about that. I don't want to push anybody out of CEQ. Thank you.

CHAIRMAN LOSQUADRO:

So, we have a motion to table by Legislator Vilorina•Fisher, seconded by myself.

LEG. BISHOP:

Motion to take 1719 out of order. That's the other one.

LEG. VILORIA • FISHER:

Second.

CHAIRMAN LOSQUADRO:

All those in favor? Opposed? **1629 is tabled. (Vote: 6•0)**

Motion to take 1719 out of order by Legislator Bishop, second by Legislator Vilorio•Fisher. All those in favor? Opposed? **1719 is before us. (Appointing member of the CEQ, John Matthew)** And I do not believe that Mr. Wagner could make it here today anyway so regardless we would have had to table no matter what. Motion to table by Legislator Bishop, second by Legislator Vilorio•Fisher. All those in favor? Opposed? **1719 is tabled. (Vote: 6•0)**

INTRODUCTORY RESOLUTIONS

CHAIRMAN LOSQUADRO:

Onto Introductory Resolutions. **1635, making a SEQRA determination in connection with the proposed firearms training section of drainage project. CP number 3161.** Motion by Legislator Bishop, second by Legislator Binder. All those in favor? Opposed? **1635 is approved. (Vote: 6•0)**

1636, SEQRA determination in connection with the proposed Long Island Maritime Museum Marine Railways Restoration. Same motion, same second, same vote. Those are both approved. **(1636 approved. Vote: 6•0)**

1642, adopting Local Law No. 2005, a Charter Law to promote non•political professional diverse County Planning Commission.

LEG. BISHOP:

Motion to table.

CHAIRMAN LOSQUADRO:

Motion •• this, I believe, needs a public hearing regardless, Madam Clerk; is that correct?

MS. SULLIVAN:

(Shaking head yes)

LEG. SCHNEIDERMAN:

Does that title imply that the Planning Commission is currently political and unprofessional and non•diverse?

LEG. BINDER:

That's what it sounds like.

LEG. VILORIA•FISHER:

Second the motion to table.

CHAIRMAN LOSQUADRO:

There's a motion to table and a second. Motion by Legislator Bishop, second by Legislator Viloria•Fisher. All those in favor? Opposed? **1642 is tabled. (Vote: 6•0)**

1650, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program. This is the Tuthill Point Estate property, Town of Brookhaven. Three different parcels totally 27 acres.

MS. FISCHER:

This includes two parcels totally 26.1 acres in the hamlet of East Moriches in the Town of Brookhaven. As you can see on the map, there's extensive wetlands on the property including both freshwater in the blue outlined area and tidal marsh as indicated on the map. There's a small upland area, but it's very low lying. And it could be also tidal marsh as well. We weren't able to get out there but from our first evaluation of it, it looks like there is some upland.

There is also a marina •• an existing marina facility on one of the parcels on the Moriches Bay shoreline itself, which is adjacent to another existing marina to the west. It received a 43 point ranking rating. And it does have significant environmental features; however, we do question the thought of the Legislator with regard to the marina as part of it.

CHAIRMAN LOSQUADRO:

Legislator Schneiderman, would you like to comment on this?

LEG. SCHNEIDERMAN:

Sure.

CHAIRMAN LOSQUADRO:

And before you do, I would just like to say that in absence of the marina the site seems to have limited development possibility and significant environmental features. And I think we could add, you know, quite a good acquisition for a limited price because of that inability to develop a large portion of the parcel. But I would just like the sponsor to comment on the marina portion.

LEG. SCHNEIDERMAN:

Well, I want to comment a little bit more. I wish you were right on all of what you said. But there actually is quite a bit of development potential on this property. I think there's a group approval for 30 condominium units on it •• on the area kind of to the right as you look at the aerial of the marina area. What we •• you know, the County would have, I guess, multiple options as it looked at this property. Could eliminate the marina; could use it as a County marina. I don't think •• I know the County has another marina property. This has, I think, 30 some odd slips in it. So, it could be a •• it could be a good county asset to have a marina in this location.

What interested me here is extensive wetlands on the property and to try to stop the development on the developable portions of it. And I thought it was worthy of taking a look at it for acquisition. I know you do have a willing seller on this one, too. I don't know what the price would be but •• why don't we just table it?

MS. FISCHER:

If I may just make a comment, if you want to look at it from a more active recreation use of it, maybe you might want to consider it under Multifaceted for parkland purposes rather than open space or maybe something together on ••

LEG. BISHOP:

Right. So, you have to table it to accommodate that. If you want it to be a working marina, you can't do it under this program.

LEG. SCHNEIDERMAN:

Right. I mean you could get rid of the marina or use it for kayaks or things like that.

CHAIRMAN LOSQUADRO:

I think it would be a good asset; a potential asset.

MS. FISCHER:

It is a separate lot at this time. So, it might be able to deal with them separately.

LEG. SCHNEIDERMAN:

Okay. So, I wasn't sure •• I brought this up in trying to draft this resolution as to how to deal with that aspect. Mea, in terms of crafting a resolution would we be using two separate funding sources or ••

MS. FISCHER:

It would still be Multifaceted but the categorization of it might be a problem when we go to do the acquisition. And maybe at that time depending on what you might perceive as the use of it, that might have to be altered.

LEG. SCHNEIDERMAN:

Right. Because I see it did get a great score ••

MS. FISCHER:

Yes.

LEG. SCHNEIDERMAN:

•• in terms of •• you know, a lot of the ••

MS. FISCHER:

Yes. I mean environmentally there's a lot to be said here. And I would suggest that maybe those 30 units were on and/or near the marina. And just that piece just north of it possibly. So, it could have been a cluster. I'd love to look at it. But that's quite intense ••

LEG. SCHNEIDERMAN:

Could somebody from the County go out there and determine whether the marina site could be, you know, could be used as a County marina and whether that would be something that would be profitable for the County?

MS. FISCHER:

I would suggest possibly Parks be requested to evaluate that. You know, we do have two other marinas. And they are costly. But it's a consideration.

LEG. SCHNEIDERMAN:

I mean I'm certainly willing to table it for another cycle to get more information, but I do think it's worthy of the County's involvement here.

CHAIRMAN LOSQUADRO:

So, there's a motion to table by Legislator Schneiderman, second by Legislator Bishop. All those in favor? Opposed? **1650 is tabled. (Vote: 6•0)**

1656, authorizing planning steps for acquisition under Suffolk County 1/4% Drinking Water Protection Program, Babylon Cemetery property. I will refrain from making tasteless comments.

LEG. SCHNEIDERMAN:

Lauretta, will you reach out to Parks on that?

MS. FISCHER:

Yes, we would if you'd like.

LEG. SCHNEIDERMAN:

Okay, thank you. I would.

MS. FISCHER:

This one is a 1.6 acre parcel adjacent to the state holdings of the Belmont Lake State Park to the west. It is significant •• as you can see on the blue freshwater wetland boundary, a good majority of this parcel is freshwater wetland.

CHAIRMAN LOSQUADRO:

Before you go any further, I would just like to clarify there are no residents either above or below ground on this parcel?

MS. FISCHER:

As far as I can see. And quite honestly, you know, a comment could be that to the east of this parcel is a cemetery. And it does exist; however, I'm sure they've been having, you know, the issues with regard to burial in a wetland is an issue. And I'm sure that's one of the reasons possibly that this might not be able to be used formally as a cemetery proper.

LEG. BISHOP:

Well, here's what I have been told by the trustees.

CHAIRMAN LOSQUADRO:

Legislator Bishop.

LEG. BISHOP:

Trustees of the cemetery. That the lot is developable, but your map suggests it's not. So, that's the first issue that we're going to need to deal with. That the cemetery owns the property, that they require money to maintain what they already have. And they once before considered selling it. And there was public pressure not to sell it. So, they are now willing to sell it to the County to add to our environmental holdings. It's obviously adjacent to the greenway that runs from Belmont Lake State Park all the way down to the Great South Bay. So, it would clearly fall into that. But I note that right next door there is a •• there are homes in the wetlands areas; right?

MS. FISCHER:

Yes. As we always say with these wetland boundaries, they'd have to be flagged. And those maps are ••

CHAIRMAN LOSQUADRO:

And if you look, the homes are all in the eastern side of those properties.

MS. FISCHER:

You know, you kind of have to take it with a little bit of •• I mean this would have to be subject to ••

LEG. BISHOP:

Because, I mean, these are the pillars of the community who told me that it is a developable lot. So, I'm assuming they're not trying to pull a fast one; that they were under the belief that it is. And they certainly were going to market the property as such. In any case ••

CHAIRMAN LOSQUADRO:

I think being •• I think being •• its proximity obviously contiguous to the existing greenways and most likely it may be in large part wetlands, I'll make a motion to approve.

LEG. BISHOP:

Right. Also, finally, it's 12•5 E money, which we have a balance in. So, it's Babylon specific money. Appreciate it.

CHAIRMAN LOSQUADRO:

Second by Legislator Bishop. All those in favor? Opposed? **(1656 Approved. Vote: 6•0)**

LEG. BINDER:

I think this is a dead issue. Sorry.

CHAIRMAN LOSQUADRO:

We were waiting for it.

LEG. BISHOP:

Add my vote to the majority.

CHAIRMAN LOSQUADRO:

Thank you Legislator Bishop for staying longer than I know you were officially able to.

1659, implementing Brownfield Policy for Mackenzie Chemical Work site in Central Islip. We had a request from the sponsor to table. I'll make that motion, second by Legislator Vilorio•Fisher. All those in favor? Opposed? **1659 is tabled. (Vote: 6•0)**

1684, donation and dedication of certain lands to County parks. This is a TDR. Can we get an explanation?

MS. FISCHER:

Yes. This is a donation that is part of a request for a board of review approval. They are donating the parcels shown, which include about a half an acre of property in the Mastic/Shirley area. Obviously, again, a conservation area which is an area that we're very interested in acquiring properties in. It would be transferred to •• the property shown •• north of there in the relocation area that the transfer will happen.

CHAIRMAN LOSQUADRO:

And then just for clarification, there was no acreage listed for the parcel in the resolution. Can you just give us an idea?

MS. FISCHER:

The parcel that we're giving away?

CHAIRMAN LOSQUADRO:

Uh•huh.

MS. FISCHER:

I mean •• I'm sorry. The parcel that we're acquiring? The donation parcel?

CHAIRMAN LOSQUADRO:

Uh•huh.

MS. FISCHER:

It's about a half an acre.

CHAIRMAN LOSQUADRO:

Okay. Motion to approve by myself, second by Legislator Schneiderman. All those in favor? Opposed? **1684 is approved. (Vote: 6•0)**

1685, appropriating funds in connection with the purchase of equipment for groundwater monitoring and well drilling. I thought I saw Mr. Zwirn come up before. I know we had a number of resolutions that were changed in the financing from serial bonds to Pay•As•You•Go. I think this is certainly another project that would qualify under Pay•As•You

•Go that I would not like to see bond out. Mr. Zwirn, would you like to comment on that?

MR. ZWIRN:

Yes. What we've done in •• I think in Public Works with Legislator Binder, who's the Chair there, we discharged some of these without recommendations and got them to the floor so that we could •• we discharged a number of these in •• bills like this out of the Public Works Committee to get them to the floor because there was a question •• they would have the support if they were Pay•As•You•Go money versus bonded money. If the Committee is so inclined, we would do •• that would be fine with us. We have changed a number of them to be Pay•As•You•Go.

LEG. BINDER:

Why don't we discharge it without recommendation?

LEG. SCHNEIDERMAN:

How much money is it?

CHAIRMAN LOSQUADRO:

This one is for 170. The next is for 207.

MR. ZWIRN:

The reason we've been doing that is that •• we've agreed with the Legislature to use Pay•As•You•Go money for a number of these projects because the County is •• as the year has progressed, we've been watching the fiscal environment. And so far things are looking pretty good. There was no question about it. And it's good news for the taxpayer. It's also •• the County Executive has felt more comfortable using Pay•As•You•Go money for a number of these projects. And if we discharge without recommendation, then we would •• I would bring it back to the County Executive. And if he's not so inclined, then, you can table them on the floor and recommit. But at least we get them to the floor.

CHAIRMAN LOSQUADRO:

Very well. I think it's more fiscally prudent. Motion to discharge without recommendation by myself, second by Legislator Binder. All those in favor? Opposed? **1685 is discharged without recommendation. (Vote: 6•0)**

And **1686 (appropriating program funds in connection with the purchase of equipment for the Environmental Health Laboratory CP 4079)**, we'll do the same motion, same second and same vote. **(1686 discharged without recommendation. Vote: 6•0)**

1698, amending the adopted 2005 Operating Budget to transfer funds from Fund 477 (Water Quality Protection, amending the 2005 Capital Budget and program and appropriating funds in connection with the Frederick Canal Sediment and Water Quality Improvement Strategy) This is for the Frederick Canal Sediment and Water Quality Improvement Strategy. Counsel, I believe there is no application attached to this. Would you like to comment on that?

MS. KNAPP:

As a rule on all these, Budget Review has always provided the Committee with a, you know, fairly detailed comments about the application. On this and also on 1699, 1705 and 1708, my understanding is Budget Review got nothing more than a summary paragraph. So, they weren't able to go through the application as they usually do. In addition, and 1698, 1699 and 708, there's no reference to the Water Quality Review Committee. So, I'm not sure whether it was approved or ••

MR. ZWIRN:

They did. They did go through. And with respect to the ones that you mentioned, the one that is time sensitive is 1699. We tabled this one. We'll speak to the next one as to why that one might be more important.

CHAIRMAN LOSQUADRO:

Motion to table by Legislator Binder, seconded by Legislator Schneiderman. All those in favor? Opposed? **1698 is tabled. (Vote: 6•0)**

1699, amending the adopted 2005 Operating Budget to transfer funds from Fund (477 Water Quality Protection; amending the 2005 Capital Budget and Program and appropriating funds in connection with the Mud Creek Watershed Section 206 Aquatic Ecosystem Project (CP 8710.110) This is for the Mud Creek Watershed Section 206 Aquatic Ecosystem Project. Mr. Zwirn?

MR. DAVIES:

Mr. Chairman? DeWitt Davies, from the Planning Department. Thanks for the opportunity to speak today. We are handing out a summary of that particular project and also a report prepared by the Corp of Engineers last year a scoping document that describes the whole construction project and the feasibility study. Suffice it to say, this is a rather large restoration project because it involves a 35 acre site in East Patchogue, Town of Brookhaven that was used for a former duck farm. This property is now parkland.

We have an estimation here that we will restore about 1800 linear feet of mud creek shore line up to seven acres of freshwater wetlands and up to about ten acres of upland habitat on the former duck farm property. As Mr. Zwirn stated, this project was approved by the Water Quality Review Committee at its meeting on June 13th. And we are asking for funding to proceed with the feasibility study for this project, which would include all environmental analysis, all planning analysis in preparation for the Corp of Engineer's construction project at this site.

We also mention here that the •• there is some time sensitivity to this. We had a meeting yesterday with the Corp of Engineers in our office on another project. It was indicated to us that they do have a small amount of funding in the amount of \$40,000 for the section 206 project. But they also indicated they have another \$50,000 in another funding mechanism that could be available for assisting the County in this work.

Passage of this particular resolution will demonstrate the intent of the County to proceed with this work. It also places some additional pressure on the Corp of Engineers to proceed. About a year and a half ago we were ready to proceed with the second phase of this project. Unfortunately the Iraq war caused a serious reduction in the civil works projects that were funded by the Corp of Engineers. They had a budget reduction.

This project is worthy of continuing with or without the Corp of Engineers; however, the intent here is to participate with the Corp as we go on with this in order to get them to cost share the project. It's a 35% local, 65% federal contribution.

CHAIRMAN LOSQUADRO:

Thank you. In light of the time sensitivity, I pose the questions that Counsel raised, why was the information traditionally given to Budget Review, not supplied on this one if we knew this

one was so time sensitive? I hate to see something worthwhile held up, but at the same time we need to hold things to an equal standard.

MR. ZWIRN:

I agree, Mr. Chairman. I think the time sensitivity issue was raised yesterday in the meeting with the Army Corp. So, it became time sensitive almost overnight. That answers that. Why there isn't additional backup material, I don't know. But I do know that it did go through the Committee on Water Quality.

CHAIRMAN LOSQUADRO:

Legislator Schneiderman, do you have a question?

LEG. SCHNEIDERMAN:

A couple quick questions. One just •• first is just procedural, it did go through Water Quality as you said. My recollection is it not only has to go through Water Quality, but there also has to be something from the Peconic Estuary or one of the other estuary committees on file. Has that been received? I know Mr. Minei is here. He might be able to answer as well.

MR. DAVIES:

It's in accord with specific recommendations contained in the South Shore Estuary Reserve Plan. I have the documentation. It specifies the specific recommendation and the page if you need it.

LEG. SCHNEIDERMAN:

Okay. And in understanding this project, it's not •• I'm just reading it as quickly as I can, but it's a restoration, not a remediation project. This was a polluted site. Was it not potentially a Brownfield site ••

MR. DAVIES:

No, no.

LEG. SCHNEIDERMAN:

•• eligible •• it's not a Brownfield site?

MR. DAVIES:

This is an agricultural operation. A former duck farm occupied the site from about 1930 to about 1980. There were extensive hydrological changes in the stream corridor at this location. There were berms created. There were swim ponds created. There were waste disposal lagoons created. If you look in the back of the document, which we have before you, you'll see several pictures involving the stream corridor and the site conditions there today. It's overgrown with fragmities. There are serious, again, changes in the stream corridor that have to be remedied.

LEG. SCHNEIDERMAN:

So, it's habitat restoration. We're not getting rid of any contamination that's currently on the property. We're regrading and planting and ••

MR. DAVIES:

We have to determine the extent to which there exists any contamination and to decide what to do with it. We don't know the extent to which duck sludge, if it remains at the site if it poses a current threat. It may have been degraded naturally over time. We hope that's the case, but we will look at that particular question.

LEG. SCHNEIDERMAN:

So, there's an environmental audit that's going to proceed at the property?

MR. DAVIES:

Yes, we'd have to go through all that testing. That is part of what this funding mechanism would provide for.

LEG. SCHNEIDERMAN:

Okay. And it's time sensitive because of the federal grant that's involved?

MR. DAVIES:

Yes. There's a different funding source that's available to the County. We have utilized that funding source for another study that's currently underway previously approved by the Legislature dealing with all duck farms in the County. This is a site specific restoration work project for a county•owned farm. As I said, we were notified yesterday that they have \$50,000. They have time sensitive issues, too, respect to when and how they spend their

money. We will lose the chance to get hold of that if, in fact, it goes beyond the end of this month. And that's what I was told yesterday.

CHAIRMAN LOSQUADRO:

I'll tell you what. I will make a motion to discharge without recommendation with the caveat that this is •• this the only one today and the last one in general because in the past we have had instances where Budget Review has been able to review some of these proposals. We've tabled them. Some changes have been made. And we saved quite a bit of money in the past with the opportunity to review them. That is •• it has worked very well in the past. And that is the position I would like to take for the future. So, I'll make a motion to discharge without recommendation 1699. Do I have a second?

LEG. VILORIA • FISHER:

Second.

CHAIRMAN LOSQUADRO:

Second by Legislator Vilorina•Fisher. All those in favor? Opposed? **1699 is discharged without recommendation. (Vote: 6•0)** And if you could please provide that information to Budget Review in the interim prior to Tuesday's meeting, they can do an adequate review.

MR. ZWIRN:

Thank you very much, Mr. Chairman.

CHAIRMAN LOSQUADRO:

Thank you. **1705 (amending the 2005 Operating Budget to transfer funds from the Suffolk County Water Protection Fund (477) Reserve Fund to the Town of Riverhead Sewer District for Sanitary Wastewater Reuse • Phase 1 STP Grounds On•Site implementation and Phase 2 Golf Course Off•Site implementation)** This is another 477 fund. This was for the Riverhead sewer district for sanitary waste water reuse. This resolution suffers the same deficiencies. I'm going to make a motion to table, second by Legislator Schneiderman. All those in favor? Opposed? **1705 is tabled. (Vote: 6•0)**

1706, authorizing acquisition under the Suffolk County Multifaceted Land Preservation Program for the Christian City Church of New York Incorporated parcel, Town of Huntington. I'm sorry,

that's 1707. I apologize.

1706, authorizing acquisition under the Suffolk County Multifaceted Land Preservation Program for the Brick Kiln Creek, the Gerrato property, Town of Islip.

MS. FISCHER:

This property is being recommended for acquisition under Multifaceted for watershed and/or estuary protection. This creek is in the hamlet of Oakdale. And it is part of a tributary that runs into Great South Bay. There are wetlands on the property. And there are significant wetland holdings by the state and some by the County in this general vicinity around Pepperidge Hall state wetlands.

CHAIRMAN LOSQUADRO:

Okay.

MS. FISCHER:

It also did get approved by CEQ. And we did not have to go before Parks Trustees for their approval on this acquisition.

LEG. VILORIA•FISHER:

Motion to approve.

LEG. SCHNEIDERMAN:

On the motion.

CHAIRMAN LOSQUADRO:

Motion to approve by Legislator Viloria•Fisher, seconded by myself. On the motion, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Two things. Do we have the score on this property in our rating system?

MS. FISCHER:

Yes.

LEG. SCHNEIDERMAN:

And is there a Town of Islip contribution or is it all County?

MS. FISCHER:

It's all County.

MS. LONGO

This was done under Multifaceted.

LEG. SCHNEIDERMAN:

And what's the acreage and the price?

MS. FISCHER:

The acreage 1.35 acres. And the price is 500,000. And the points was 35 on the old rating system.

LEG. SCHNEIDERMAN:

Is it contiguous to other county holdings?

MS. FISCHER:

It is not directly contiguous. But if I can show you the map that we had previously sent out, it shows the other acreage owned by the state nearby and this entire watershed is also owned by the state and some properties are owned by the town and county ••

LEG. SCHNEIDERMAN:

Okay.

MS. FISCHER:

•• in this watershed.

LEG. SCHNEIDERMAN:

If you could, refresh my memory.

MS. FISCHER:

If you look at the map, you'll see the green areas, the area that we're acquiring. The two parcels. And you can see in the yellow is the New York State holdings. The blue •• dark blue is the County. Red is the town. It's part of an entire watershed. As you can see, there are fresh water wetlands that meander throughout this low•lying area of Oakdale. And it's a connector piece. The town also has properties •• parks properties just to the west of here as well.

LEG. SCHNEIDERMAN:

Okay.

CHAIRMAN LOSQUADRO:

Very well. We have a motion and a second to approve. All those in favor? Opposed? **1706 is approved. (Vote: 6•0)**

1707 (authorizing acquisition under the Suffolk County Multifaceted Land Preservation Program for the Christian City Church of NY Inc parcel) Now, we're onto Christian City.

LEG. BINDER:

Mr. Chairman.

CHAIRMAN LOSQUADRO:

I'd already read the title.

LEG. BINDER:

Mr. Chairman?

CHAIRMAN LOSQUADRO:

Legislator Binder.

LEG. BINDER:

I would respectfully ask not to make a motion on this. And I am concerned that this was put in after numerous discussions with Mr. Zwirn back and forth here about this. This is •• we just passed a resolution •• my resolution on this which is exactly the same as this. There was no reason to put this it. And I don't know where Mr. Zwirn went, but I would like to know how my

name got on the legislation. I wasn't called. I wasn't asked. It says that it was by the Presiding Officer's request •• request of the County Executive and Legislator Binder and Cooper. I am absolutely certain that I did not make that request. My name was put on the bill without my asking for it.

So, the County Executive literally put a legislator's name on a piece of legislation as a co •sponsor without requesting that legislator to be on it •• without the request of that legislator or even calling me or talking to me about it. And the fact that they put this in after I said please just let me know what the price is, I will amend my bill and I'll go forward with my bill and they put it in any way. I would say for years •• I've been sixteen years here. I know Ben says that it's been done like this before. But I can tell you the sixteen years, the former •• the past County Executive would call legislators who went forward on these kinds of legislation who were out there in front who did the planning steps, who were going forward with this; he would call those Legislators and let them •• and make sure that they knew that it was done, they would sponsor it. We always did that in the past. And republican or democratic. It didn't matter. Democrats got called. Republicans got called. The only acquisitions you saw the County Exec's name on is those which he initiated on his own.

And it is unfortunate that this County Executive brought this forward even after back in forth in this Committee after these discussions. And he put it in anyway and put it with my name on it. And I didn't ask for my name to be on this. And it is something •• and something is severely wrong when a County Executive can submit a bill to the Legislature with someone's name on it fraudulently basically because it was not requested by me. I never asked for this •• to be on. I would hope we're just not going to make a motion and let it die that way rather than have to •• having to defeat it.

CHAIRMAN LOSQUADRO:

Thank you, Legislator Binder. And again this goes back to that dialogue that needs to take place. These are arguments and discussions that do not need to be had. Do we have a motion? **1707 fails for lack of a motion.**

1708, amending the adopted 2005 Operating Budget to transfer funds from fund 477. This is in connection with wetland restoration at West Islip High School. This 477 project suffers the same deficiencies as the ones we previously mentioned. I'll make a motion

to table, second by Legislator Binder. All those in favor? Opposed? **1708 is tabled. (Vote: 6•0)**

1715, further implementing the Suffolk County Water Quality Protection and Restoration Program. We have a request from the sponsor to table. I'll make that motion to table on behalf of the sponsor, second by Legislator Vilorio•Fisher. All those in favor? Opposed? **1715 is tabled. (Vote: 6•0)**

1719 was already addressed; taken out of order.

We have some CEQ resolutions. Thank you very much.

CEQ RESOLUTIONS

CHAIRMAN LOSQUADRO:

45•05, proposed SEQRA classifications of legislative resolutions laid on the table on June 7th, 2005. This is a Type II Action; correct?

MR. BAGG:

Correct.

CHAIRMAN LOSQUADRO:

We have a motion by Legislator Schneiderman, second by Legislator Kennedy. All those in favor? Opposed? **45•05 is approved. (Vote: 6•0)**

46•05, proposed improvements to water supply system at Cedar Point County Park, Town of East Hampton.

MR. BAGG:

This is for improvements to expand the water supply system at Cedar Point Park. Council recommends that it's a Type II Action.

CHAIRMAN LOSQUADRO:

Same motion, same second, same vote. **(46•05 approved. Vote: 6•0)**

47•05, proposed planning and construction phase of improvements to Police Headquarters, Capital Project 3122, Yaphank.

MR. BAGG:

This project involves the planning and construction for an interior alterations to the Police Headquarters building. Council recommends that it's a Type II Action.

CHAIRMAN LOSQUADRO:

Same motion, same second, same vote. **(47•05 approved. Vote: 6•0)**

48•05, proposed acquisition of land for Open Space Preservation purposes known as Emerald Estates, Christian City Church property, Town of Huntington. Legislator Binder.

LEG. BINDER:

Have we done this before based on my resolution? Or is this a second CEQ based on a second resolution by the County Executive?

MR. BAGG:

Basically this was presented by the Planning Department for acquisition of property. I have no idea what resolution it was based on. The Council just feels it's an unlisted action that won't have an impact on the environment.

LEG. BINDER:

In general. So, that would be for either resolution; for my resolution ••

MR. BAGG:

For either resolution. The SEQRA holds for acquisition.

LEG. BINDER:

I'll make a motion.

CHAIRMAN LOSQUADRO:

It's for the parcel in question. Motion by Legislator Binder, seconded by Legislator Schneiderman. All those in favor? Opposed? **48•05 is approved. (Vote: 6•0)**

49•05, proposed acquisition of land for Open Space Preservation purposes known as Brick Kiln Creek. This is the Gerrato property.

LEG. BINDER:

Motion.

MR. BAGG:

Council recommends that this acquisition is an unlisted action and will not have an impact on the environment, a negative declaration.

CHAIRMAN LOSQUADRO:

Motion by Legislator Schneiderman, second by Legislator Vilorio•Fisher. All those in favor? Opposed? **49•05 is approved. (Vote: 6•0)**

No further business before this Committee, we stand adjourned.

(THE MEETING CONCLUDED AT 3:00 PM)

DENOTES SPELLED PHONETICALLY